

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTHONY DEO individually and as a shareholder/member of NORTSHORE MOTOR LEASING LLC and 189 SUNRISE HWY AUTO LLC, SARA DEO individually and as a shareholder/member of NORTSHORE MOTOR LEASING LLC and NORTSHORE MOTOR LEASING, LLC and 189 SUNRISE HWY AUTO, LLC,

Plaintiffs,

-against-

RONALD BARON, JOSHUA AARONSON, JORY BARON, MARCELLO SCIARRINO, DANIEL O'SULLIVAN, BRIAN CHABRIER, WENDY KWUN, IRIS BARON, RAYMOND PHELAN, ASAD KHAN, ESTATE OF DAVID BARON, BARON NISSAN INC. d/b/a BARON NISSAN, ISLAND AUTO GROUP OF NEW YORK LLC a/k/a ISLAND AUTO GROUP OF NY LLC a/k/a ISLAND AUTO GROUP, ROBERT ANTHONY URRUTIA, BRUCE NOVICKY, MICHAEL MORGAN, PARMESHWAR BISsoon, SUPERB MOTORS INC. d/b/a TEAM AUTO DIRECT, RICHARDS, WITT & CHARLES, LLP, CITRIN COOPERMAN & COMPANY LLP a/k/a CITRIN COOPERMAN, NEXTGEAR CAPITAL INC., ALLY FINANCIAL INC., NISSAN MOTOR ACCEPTANCE COMPANY LLC d/b/a NMAC, JP MORGAN CHASE BANK N.A. a/k/a JP MORGAN CHASE & CO. a/k/a CHASE BANK N.A. d/b/a CHASE BANK, CYRULI SHANKS & ZIZMOR, LLP, MILMAN LABUDA LAW GROUP, PLLC, JOHN DOE ATTORNEYS 1-20, JOHN DOE ACCOUNTANTS 1-20, JOHN DOES 1-20, JANE DOES 1-20, JOHNM DOE CORPORATIONS 1-20, and NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES,

Defendants.

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Case No.: 2:24-cv-6903 (NJC) (JMW)

DEFENDANT SUPERB MOTORS INC.'S NOTICE OF MOTION TO SET ASIDE THE HON. JAMES M. WICKS, U.S.M.J.'S NOVEMBER 1, 2022 ORDER DENYING ITS MOTION TO CONSOLIDATE AND NOVEMBER 2, 2024 ORDER DENYING DEFENDANTS' MOTION TO VACATE ITS ORDER DIRECTING THE CLERK TO ASSIGN A DISTRICT JUDGE AND FOR AN EXTENSION OF TIME *SINE DIE* TO RESPOND TO PLAINTIFFS' COMPLAINT

PLEASE TAKE NOTICE that upon the Declaration of Emanuel Kataev, Esq., dated November 8, 2024, the exhibits annexed thereto, and the accompanying Memorandum of Law, Defendant Superb Motors Inc. (“Superb”) shall move this Court at the United States District Court for the Eastern District of New York, located at 100 Federal Plaza, Central Islip, NY 11722-4438, on a date and time to be set by the Court, for an Order: (i) pursuant to Rule 72 of the Federal Rules of Civil Procedure (hereinafter referred to as “Rules” or “Rule”), setting aside the Hon. James M. Wicks, U.S.M.J.’s (“Judge Wicks”) Order, dated November 1, 2024, denying Superb’s motion to consolidate this case with related case bearing Case No.: 2:23-cv-6188 (JMW), and Judge Wicks’ November 2, 2024 Order denying Defendants’ motion to vacate the Order directing the clerk of the court to assign a district judge; (ii) pursuant to Rule 6, extending Superb’s deadline to respond to the complaint *sine die* pending a determination of this motion; and (iii) for such other and further relief as this Court may deem just, equitable, and proper.

PLEASE TAKE FURTHER NOTICE that – pursuant to the Local Civil Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York – opposition papers must be served within fourteen (14) days of service of the moving papers, and reply papers must be served within seven (7) days of service of the opposition papers.

Dated: Jamaica, New York
November 8, 2024

Respectfully submitted,
SAGE LEGAL LLC
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